

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

JOYCE ACKERMAN, et al.,

Plaintiffs,

vs.

FORTIS BENEFITS INSURANCE CO.,

Defendant.

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Case No. 3:00cv277  
3:04cv033

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JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORTS AND RECOMMENDATIONS  
(DOC. #129 IN CASE NO. 3:00cv277; DOC. #75 IN CASE NO.  
3:04cv033) DENYING MOTION FOR LEAVE TO APPEAL *IN FORMA*  
*PAUPERIS*; OBJECTIONS TO SAID JUDICIAL FILINGS (DOC. #130 IN  
CASE NO. 3:00cv277; DOC. #76 IN CASE NO. 3:04cv033) OVERRULED

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Pursuant to the reasoning and citations set forth by the United States  
Magistrate Judge in his Reports and Recommendations (Doc. #129 in Case No.  
3:00cv277; Doc. #75 in Case No. 3:04cv033), as well as upon a thorough review  
of the procedural history in the captioned causes, said Reports and  
Recommendations are adopted in their entirety. Plaintiffs' Objections to said  
judicial filings (Doc. #130 in Case No. 3:00cv277; Doc. #76 in Case No.  
3:04cv033) are overruled. This Court certifies to the Sixth Circuit Court of  
Appeals that Plaintiffs' appeals would be objectively, albeit not subjectively,

frivolous and not taken in good faith.

September 30, 2008

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

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